

RES 151

EUROPEAN PARLIAMENT

1990 - 1991

**Minutes of proceedings
of the sitting
of**

FILE COPY

FRIDAY, 22 FEBRUARY 1991

15. SCHENGEN AGREEMENT

Joint resolution replacing B3-0079, 0099 and 0104/91

RESOLUTION

on the harmonization of policies on entry to the territories of the EC Member States with a view to the free movement of persons (Article 8a of the EEC Treaty) and the drawing up of an intergovernmental Convention among the 12 Member States of the EC

The European Parliament,

- having regard to Articles 5, 8a, 100 and 235 of the Treaty establishing the EEC,
- having regard to the preamble of the Single European Act, in which the Member States declared their determination to improve the economic and social situation by extending common policies and pursuing new objectives, and to ensure a smoother functioning of the Communities by enabling the institutions to exercise their powers under conditions most in keeping with Community interests,
- having regard to its resolutions of 12 March 1987 on the right of asylum, of 23 November 1989 and 15 March 1990 of the Schengen Agreement and the Additional Protocol to the Agreement, and of 14 June 1990 on the Schengen Agreement, the Convention of the right of asylum and the status of refugees as defined by the ad hoc Group on Immigration,
- A. having regard to the Commission White Paper on completing the internal market, which made provision for a series of proposals for directives on checks on individuals, including a proposal on the coordination of national visa policies;
- B. having regard to the Convention implementing the Schengen Agreement on the gradual abolition of checks at frontiers between the signatory Member States, which demonstrates how checks on persons at frontiers can be abolished without necessarily undermining the internal security of the signatory states,
- C. whereas the free movement of persons and goods in the Community is a precondition for the creation of the single market and is recognized as being of particular importance by all the nationals of the Member States who are directly concerned and whereas it is therefore imperative that the deadline of 1 January 1993 for the opening of internal frontiers should be respected,
- D. whereas the 12 Member States intend to sign a Convention on external frontiers, drafted by the ad hoc Group on Immigration acting in an international law context, and thus outside the sphere of Community law, but with the active collaboration of the Commission,

- E. whereas neither the governments of the Member States nor the Council nor the Commission gave any satisfactory reply to Parliament's request, set out in its resolutions of 23 November 1989, 15 March 1990 and 14 June 1990, that any decision taken on immigration and internal security should be dealt with in the same way as any other Community policy,
 - F. whereas, in spite of the Council's assurances given on 11 October 1989 and the procedure it proposed, Parliament has been provided with insufficient information,
 - G. whereas any Convention on external frontiers must not affect the right of asylum and international conventions in this area,
 - H. whereas, while external border controls are indispensable to guarantee security, the relevant regulations must nevertheless be formulated by representatives of the people, in order to safeguard, as well as security, the fundamental rights of freedom laid down by the constitutions and by the principles enshrined in the laws of the individual Member States,
 - I. whereas the safeguarding of security at the external borders cannot be based on the concept of the European Community as a 'fortress' against the people of the Mediterranean basin, the Southern hemisphere and the countries of Eastern Europe, but must be part of a series of policies actively promoting development and integration in line with the nature and extent of the current problems,
1. Reiterates its call to the governments and parliaments of the 12 Member States to conduct their intergovernmental work on the free movement of persons and internal security in a Community context and therefore to inform and consult the European Parliament and the national parliaments in advance of the substance of the measures to be taken;
 2. Regrets that the Commission has not submitted all the proposals within the Community's competence concerning the free movement of persons and that no reference is made to this matter in the 1991 legislative programme;
 3. Protests strongly at the active role played by the Commission in the intergovernmental work of the Member States, as regards the elimination of checks at frontiers in which they have assumed exclusive competence and which is at the very least questionable since the European Parliament and the national parliaments have been unjustifiably excluded and demands that the Commission take the initiative of proposing a satisfactory formula for consultation of the European Parliament on all decisions vital to the security of every Community citizen;
 4. Calls for the establishment of a single straightforward procedure for the issue of visas covering all Member States of the EC, respecting the right of asylum, guided by democratic and humanitarian principles and taking into account the conditions already proposed by the European Parliament, particularly in its resolution on the right of asylum¹;

¹ Resolution of 11 March 1987, OJ No. C 99/87

5. Considers that any harmonization of policy on entry to the territories of the EC Member States must fully observe the 1951 Convention on the Status of Refugees and its 1967 Protocol, with particular regard to the provisions set out therein on procedures at frontiers and airports;
6. Considers that it is not enough to declare that such a Convention is in conformity with international conventions but that all Member States must be required to observe these conventions, and that this should be verified before any text is drawn up;
7. Considers that, by virtue of the 1951 Convention and the 1967 Protocol on political refugees, the illegal crossing of frontiers by political refugees cannot be treated as a criminal offence;
8. Notes that neither the Schengen Convention, nor the Convention on the right of asylum nor the proposals for a convention on checks at external frontiers includes an express guarantee and practical arrangements to ensure that confidential information on an application for asylum will not be passed on to the authorities in the country of origin in any circumstances whatsoever, including cases in which asylum is refused;
9. Considers that the requirement for administrative and legal procedures to be completed in the applicant's state of origin, and the introduction of visa controls at the time of embarkation, must not infringe the rights defined in the international conventions on political asylum;
10. Calls on the Governments of the Member States not to sign any convention on external frontiers until a detailed debate has taken place in the European Parliament and the NGOs concerned with human rights, the right of asylum and immigration have been consulted;
11. Considers that the best policies for limiting migration are the economic and social development and respect for human rights in the third countries particularly concerned by migration and therefore calls on the Commission to take this into account in any future initiatives concerning such countries;
12. Insists that clauses on respect for and monitoring of human rights be introduced into cooperation and trade treaties concluded by the EC with governments of third countries;
13. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the United Nations High Commissioner for Refugees and the International Secretariat of Amnesty International.